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FILED: 3/19/84

Attorneys for Plaintiff and Intervenor

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

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|---|---|-----------------------------|
| CHURCH OF SCIENTOLOGY OF CALIFORNIA, |) | No. C420153 |
| |) | |
| Plaintiff, |) | MOTION IN LIMINE REGARDING |
| |) | ADMISSION OF, AND TESTIMONY |
| GERALD ARMSTRONG, DOES |) | RELATING TO, DOCUMENTS |
| 1 through 10, inclusive, |) | SEALED BY THIS COURT; |
| |) | MEMORANDUM OF POINTS AND |
| Defendants. |) | AUTHORITIES. |
| |) | |
| MARY SUE HUBBARD, |) | |
| |) | |
| Intervenor. |) | |
| |) | |

Pursuant to §132 of this court's Civil Trial Manual, to Evidence Code §§350 and 352, to Article I, §1 and §4 of the California Constitution, and to the First, Fourth and Fourteenth Amendments of the United States Constitution, plaintiff and intervenor hereby move this court, in limine, for an order as follows:

(1) That the documents held under seal by the clerk of this court pursuant to the preliminary injunction entered

1 October 4, 1982, will be excluded from evidence in this
2 case.

3 (2) That defendant Armstrong and his counsel not refer
4 to, interrogate any witness concerning, or comment on the
5 contents of any of the documents, letters, diaries,
6 manuscripts, tapes, or any other materials held under seal
7 by the clerk of the court.

8 (3) That defendant Armstrong and his counsel so instruct
9 any witnesses they call to testify.

10 In the alternative, if the documents as a whole, or any parti-
11 cular documents, or their contents, are found admissible, the
12 following procedures will apply:

13 (1) Any such documents introduced in evidence shall be
14 maintained under seal, the contents disclosed only to
15 counsel, the parties and the jury, and used only for pur-
16 poses of this case.

17 (2) All testimony with respect to any such materials
18 shall take place only with the courtroom cleared and only
19 in the presence of the jury, counsel and the parties.

20 (3) The transcripts of any such testimony shall be main-
21 tained under seal, not disclosed to anyone except counsel,
22 the parties and the jury, and the use thereof limited to
23 this proceeding.

24 (4) No person or party shall disclose or make use of any
25 information obtained as a result of the documents held
26 under seal by the clerk of the court except for purposes
27 of this action.
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1 (5) Copies of any such documents provided to the parties
2 or their counsel shall not be copied or duplicated, and
3 shall be returned at the conclusion of the trial to the
4 clerk of the court, who shall destroy them.

5 (6) Notes or other writings concerning the contents of
6 such documents made by either party or their counsel shall
7 be turned in, at the conclusion of the trial, to the clerk
8 of the court, who shall destroy them.

9 (7) At the time of the entry of a judgment which has
10 become final, the clerk shall destroy those exhibits con-
11 stituting such documents which were introduced into evi-
12 dence.

13 This motion is made on the grounds that the contents of
14 the materials held under seal by the clerk of this court are
15 not relevant to the claims of plaintiff and intervenor nor to
16 the defenses of defendant Armstrong; that many of the documents
17 in question are highly personal and private and to admit any of
18 the documents into the record in the case would constitute an
19 invasion of personal and religious privacy and would compound
20 the harm of which this action complains; that the plaintiffs
21 will rely primarily upon the characterization of the general
22 nature of the materials admitted to by defendant Armstrong;
23 that a summary of the general nature of the documents is all
24 that is relevant and is proper procedure under Evidence Code
25 §1509; that any attempt to convey to the jury the information
26 contained in these documents would be highly improper and
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1 prejudicial to plaintiffs; and that admission of the documents
2 or their contents would entail undue consumption of time.

3 This motion is based on the Memorandum of Points and
4 Authorities accompanying this motion, on the papers and records
5 on file herein, and on such oral and documentary evidence as
6 may be presented at a hearing on this motion.

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8 DATED: March 19, 1984

Respectfully submitted,

9 Law Offices of
10 BARRETT S. LITT

11 By:

BARRETT S. LITT

12 Attorney for Plaintiff and
13 Intervenor

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